

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

TODD KRIESLER,

Plaintiff,

**ANSWER**

-against-

13 CV 1646 (JMF)

PARK PIZZA INC., a New York corporation, d/b/a  
PIZZA PARK and FIZZBIN LLC, a New York  
limited liability company,

Defendants.

X

Defendant, Park Pizza Inc., by its attorneys The Catafago Law Firm, P.C., hereby  
answers the Amended Complaint herein upon information and belief as follows:

1. Denies knowledge or information sufficient to deny or admit each and every allegation set forth in paragraph 3 of the Amended Complaint.
2. Denies each and every allegation set forth in paragraphs 10, 11, 13, 14, 15, 16, 18, 21, 23 and 25 of the Amended Complaint.

#### **FIRST AFFIRMATIVE DEFENSE**

3. Park Pizza Inc. had no notice of any alleged violation before the filing of this lawsuit and immediately upon retaining counsel herein, it retained the services of a licensed Architect as well to deal expeditiously with the issues raised in the Amended Complaint.
4. Park Pizza so advised plaintiff's counsel so as to mitigate any alleged damages and prevent the needless expenditure of legal fees and expenses or a waste of this Court's valuable resources. Park Pizza is prepared to cure any deficiency and to pay the appropriate fines and fees imposed if any and is currently attempting to resolve these

issues with plaintiff's counsel.

**SECOND AFFIRMATIVE DEFENSE**

3. Some or all of the claims interposed herein for modifications to the restaurant are unduly burdensome and are not required by law.

**WHEREFORE**, the answering defendant respectfully requests that the Amended Complaint be dismissed in its entirety, and for such other and different relief as this Court deems just and proper.

Dated: New York, New York  
May 8, 2013

THE CATAFAGO LAW FIRM, P.C.

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